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OCT - 6 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) No. CR 10-00715-CW (DMR)
Plaintiff,)
v.) DETENTION ORDER
MANOA LOPEZ VASQUEZ,)
Defendant.)

)

I. DETENTION ORDER

Defendant Manoa Lopez Vasquez is charged in an indictment with illegal reentry into the United States following deportation in violation of 8 U.S.C. § 1326. On October 1, 2010, the United States moved for Mr. Lopez Vasquez' detention pursuant to 18 U.S.C. § 3142(f)(2)(A) (because there is a serious risk that the defendant will flee), and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Mr. Lopez Vasquez did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. At the October 6, 2010 hearing before this Court, Mr. Lopez Vasquez waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section

DETENTION ORDER

CR 10-00715 CW (DMR)

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cc: Copy to parties of record, Nikki, Pret. Svcs., 2 Certified copies to US Marshal

1 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine
2 adverse witnesses, and to present information by proffer or otherwise), but he retained his right to
3 raise any additional relevant information at a later hearing. The Court notes that Mr. Lopez
4 Vasquez is subject to an immigration detainer issued by Immigration and Customs Enforcement
5 ("ICE").

6 After considering the limited information available to the Court, and the factors set forth
7 in 18 U.S.C. § 3142(g), the Court detains Mr. Lopez Vasquez as a serious risk of flight and finds
8 that no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his
9 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d
10 1403, 1406 (9th Cir. 1985).

11 II. CONCLUSION

12 The Court detains Mr. Lopez Vasquez as a serious flight risk. Because Defendant waived
13 his right to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant
14 information at a later hearing, the Court orders that the hearing may be reopened at Defendant's
15 request at any future time.

16 Mr. Lopez Vasquez shall remain committed to the custody of the Attorney General.

17 IT IS SO ORDERED.

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20 DATED: October 6, 2010



21 DONNA M. RYU
United States Magistrate Judge

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